



## Chief Executive use of Emergency Powers

<b>Corporate Priority:</b>	All
<b>Relevant Ward Member(s):</b>	N/A
<b>Date of consultation with Ward Member(s):</b>	N/A
<b>Exempt Information:</b>	No

### 1 Summary

- 1.1 The purpose of this Report is to inform Council of the emergency decisions taken by the Chief Executive exercising his delegated powers as part of the response to the Covid-19 pandemic and the declaration of a Major Incident.

### 2 Recommendation

#### That Council:

- Notes the decisions made by the Chief Executive under emergency powers as detailed in the report.

### 3 Reason for Recommendations

- 3.1 The Chief Executive's delegation requires any decisions taken under the emergency power delegation to be reported to the next meeting of Council, explaining the reasons for the decision.

### 4 Background

- 4.1 The Council's Scheme of Delegation (at paragraph 12.3 (3) makes provision for the Chief Executive to: "To take such action as he/she considers appropriate in an emergency. In an emergency situation to exercise any and all discretion in relation to any function of the Council including the waiving of constitutional requirements and Financial Procedure Rules. This action shall be taken in consultation with the Chief Finance Officer, Monitoring Officer and the Leader and/or Deputy Leader. Any decisions taken under this paragraph

shall be reported by the Chief Executive Officer to the next meeting of Council explaining the reasons for the decision.”

- 4.2 With the Council having declared a Major Incident, the Covid-19 pandemic is considered an emergency situation which justifies the use of emergency powers where appropriate.
- 4.3 The decisions listed could not be taken at a formal Council meeting due to the suspension of meetings as a result of social distancing restrictions.

## 5 Main Considerations – Decision made under Emergency Powers

### 5.1 3 April 2020 – Remote Meeting Procedure Rules

**Decision:** To approve the Remote Decision Procedure Rules amending the Council’s Standing Orders as a result of the enactment of the Local Authorities and Police and Crime Panels (Coronavirus)(Flexibility of Local Authority and Police and Crime Panel Meetings)(England and Wales)(Regulations) 2020 (The Regulations).

**Reasons:** The Local Authorities and Police and Crime Panels (Coronavirus)(Flexibility of Local Authority and Police and Crime Panel Meetings)(England and Wales)(Regulations) 2020 (The Regulations) came into force on 4 April 2020. They apply to all Councils in England and Wales and invite councils (Regulation 5(6)) to amend their Standing Orders making particular provision for voting, member and public access to documents and details of remote access of the public and press.

### 5.2 3 April 2020 – Amendment to Treasury Management Investment Limits

**Decision:** Authority to vary the Investment Strategy contained with the Treasury Management Strategy for 2020-21 (below) to increase the counterparty investment limits for Money Market Funds to £6m per Fund

**Reasons:** The Government provided grant funding to local businesses to help their economic positions. The total paid to the Council on 01 April 2020 was £11.674m. Treasury management advisors recommended any excess monies to be invested in the short term, ideally in an instant access account. The current strategy had a maximum investment limit of £3m in 3 separate Money Market Funds. Increasing the limits enabled the Council to generate a small amount of investment return whilst the business grant payments were made in line with good Treasury Management.

### 5.3 6 April 2020 – Review of Political Balance

**Decision:** To approve the political balance calculations in the report and approve the allocation of seats to Political Groups and the non-aligned Councillor

**Reasons:** To ensure the Council complies with its statutory obligations under the Local Government and Housing Act 1989 the Council must review political balance as soon as is practicable. Although it was acknowledged that Council would usually make this decision, due to the COVID-19 pandemic the Chief Executive used emergency powers to ensure compliance.

## 6 Options Considered

- 6.1 It is a constitutional requirement to inform Council of decisions made by the Chief Executive under emergency powers.

## 7 Consultation

- 7.1 In accordance with the constitutional requirement decisions were taken in consultation with the Chief Finance Officer, Monitoring Officer and the Leader and/or Deputy Leader.
- 7.2 Members were also kept informed through All Member Briefings and email correspondence.
- 7.3 Decision records are published on the Council's website (links provided in the report).

## 8 Next Steps – Implementation and Communication

- 8.1 The decision have already been approved and implemented.

## 9 Financial Implications

- 9.1 Financial implications can be found in the Decision Record for each individual decision.

**Financial Implications reviewed by: Director for Corporate Services**

## 10 Legal and Governance Implications

- 10.1 Legal implications can be found in the Decision Record for each individual decision.

Legal Implications reviewed by: Deputy Monitoring Officer

## 11 Equality and Safeguarding Implications

- 11.1 Any equality and safeguarding implications are set out in each individual decision record.

## 12 Community Safety Implications

- 12.1 Any community safety implications are set out in each individual decision record.

## 13 Environmental and Climate Change Implications

- 13.1 Any environmental and climate change implications are set out in each individual decision record.

## 14 Risk & Mitigation

- 14.1 Any risks and mitigation are set out in each individual decision record.

## 15 Background Papers

- 15.1 There are no background papers

## 16 Appendices

- 16.1 None

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